

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
CONCERNED CITIZENS OF CHAPPAQUA, CHARLES
NAPOLI, and GINA GORE,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF TRANSPORTATION
(FEDERAL HIGHWAY ADMINISTRATION), and the NEW
YORK STATE DEPARTMENT OF TRANSPORTATION,

Defendants.

-----X

STATE OF NEW YORK)
) SS.:
COUNTY OF NEW YORK)

Delight D. Balducci, being duly sworn, deposes and says:

1. That I am over the age of eighteen years and not a party to this action.
2. That on the 18th day of August, 2008, I served upon Janice B. Taylor, Esq., counsel for New York State Department of Transportation, and Catherine Wan, a clerk with the U.S. Attorney's Office in the Southern District of New York, counsel for United States Department of Transportation, a true copy of Plaintiffs' Complaint and Motion for a Preliminary Injunction by delivering it by hand to a messenger who delivered it to the above parties, addressed to Janice Taylor, Esq. at 120 Broadway, New York, New York 10271, and Ms. Catherine Wan at 86 Chambers Street, 3rd Floor, New York, New York 10007.
3. That on the 20th day of August, 2008, I served upon Janice B. Taylor, Esq., counsel for the New York State Department of Transportation, and Jean-David Barnea, Esq. and Lawrence Fogelman, Esq., counsel for the United States Department of Transportation, a true copy of the Notice of Motion for a Preliminary Injunction by filing said Notice of Motion on the Electronic Case Filing system for the Southern District of New York, and also by e-mailing copies of the Notice of Motion to Janice B. Taylor, Esq. at Janice.Taylor@oag.state.ny.us, Jean-David Barnea, Esq. at jean-david.barnea@usdoj.gov, and Lawrence Fogelman, Esq. at lawrence.fogelman@usdoj.gov.

Delight D. Balducci
Delight D. Balducci

Sworn to before me this

20 th day of August, 2008

Jessica G. Robles
Notary Public
JESSICA G. ROBLES
NOTARY PUBLIC-STATE OF NEW YORK
No. 01RO6152401
Qualified In New York County
My Commission Expires September 11, 2010